



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20565-0001

February 8, 1994

MEMORANDUM FOR: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque

FROM: James M. Taylor
Executive Director
for Operations

SUBJECT: REPORT ISSUED ON NEW YORK CITY RADIATION
CONTROL PROGRAM

I have attached for your information (Attachment 1), a report prepared and issued by the New York City Office of the Comptroller in December 1993. The report presents findings and recommendations on several areas of the New York City Department of Health, Bureau of Radiological Health radiation control program. Of particular interest to NRC is the report's findings and recommendations relating to portions of the Bureau's program of licensing and inspection of teletherapy units and strontium-90 beta eye applicators. (See Executive Summary, Findings and Recommendations on pages ES-1-3 and Part 2 of the report on pages 11-16.)

Following receipt and review of the report, NRC staff contacted the Director, Bureau of Radiological Health on January 26, 1994, to discuss how the report would be handled by the Bureau and any specific actions planned by the Bureau for response to the report's findings and recommendations. The Director indicated that the Bureau had not yet formally responded, but would be briefing the New York City Commissioner of Health with the Bureau's position before the end of February. He indicated that he generally did not agree with the report's findings. Subsequently, NRC staff contacted the State and recommended that a written evaluation of the report should be prepared and that a copy of that evaluation should be provided to NRC.

NRC staff plans, upon receipt of the Bureau's response to the report, to assess the response and any actions being taken or proposed to be taken by the Bureau. NRC staff will also evaluate whether additional specific NRC action is warranted. Such action could include a follow-up meeting with Bureau staff to discuss the Bureau's response or a special NRC program review to independently assess the validity of the report's findings and recommendations.

Contact: Paul Lohaus
504-2326

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NRC staff notes that based on the previous NRC review of the Bureau's agreement materials program, NRC found that the Bureau has carried out a program adequate to protect the public health and safety. (A copy of the last program review letter is attached for your information as Attachment 2.) As a result of review of inspection reports (see Attachment 2, Enclosure 2, Comment 3 on page 6 of the New York City Department of Health's Summary of Assessments and Comments), the reviewer found that docket files were missing essential information (i.e. inspection reports, licensee responses or acknowledgement letters). The reviewer also found there was a lack of follow-up in areas of possible escalated enforcement actions in at least two situations and there appeared to be a lack of follow-up in several other situations where there were long delays in issuing an enforcement letter or lack of licensee response.

Original signed by
 James M. Taylor
 Executive Director
 for Operations

Attachments:
 As stated

cc: SECY
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*See previous concurrence.

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